

**DISPOSITION:** April 29, 1947. The defendants having consented to the entry of a decree, the court issued a temporary injunction which was to become effective on May 5, 1947.

The decree enjoined the defendants and all persons acting on their behalf from directly or indirectly altering the labeling of, or doing acts with respect to, drugs while they were held for sale after shipment in interstate commerce, which acts would result in such drugs being misbranded within the meaning of Section 502 (a); and from causing any written, printed, or graphic matter which is false or misleading in any particular to accompany any article of drug while such article was being held for sale after shipment in interstate commerce in violation of Section 301 (k); and, further, from doing any other act which would result in such article being misbranded within the meaning of Section 502 (a).

**3546. Misbranding of Gold-Lax Tonic. U. S. v. Eijiro Ishii (Gold-Lax Tonic Laboratory). Plea of nolo contendere. Fine, \$100, plus costs. (F. D. C. No. 21444. Sample Nos. 59860-H, 84844-K.)**

**INFORMATION FILED:** August 27, 1947, Northern District of Ohio, against Eijiro Ishii, trading as the Gold-Lax Tonic Laboratory, Painesville, Ohio.

**ALLEGED SHIPMENT:** On or about April 14, 1946, and April 23, 1947, from the State of Ohio into the State of Pennsylvania.

**LABEL, IN PART:** (Bottle) "Ishii's Gold-Lax Genuine The active ingredient is senna pods. The article is recommended as a laxative for occasional constipation. Contains Asparagus, Beets, Carrots, Celery, Orange, Fennel Seeds, and Senna Pods."

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in accompanying circulars entitled "Genuine Gold Lax Tonic" and "Genuine Ishii's Gold Lax Tonic" were false and misleading. These statements represented and suggested that the drug was a tonic; that it would be efficacious to prevent premature old age and death; that it would prevent a deficiency of minerals and vitamins, would prevent deposits of poisons and acids in the weakest areas of the body, would aid digestion of foods and assimilation of minerals, would be of benefit to diabetic sufferers, would create energy, would aid the body to secrete insulin, would remove impurities, would build up resistance and restore energy, pep, and stamina, would enable the user to be pure within and without, and would correct stomach trouble and enable the user to assimilate all elements; that it would be efficacious in the prevention and treatment of anemia, arthritis, asthma, diabetes, dropsy, female periodic complaint, heart ailment, high blood pressure, low blood pressure, liver trouble, kidney trouble, gall bladder trouble, pimples, pernicious anemia, psoriasis, rheumatism, shingles, swollen legs, streptococcus infection, tuberculosis, varicose ulcers, and colds; that it would aid in removing poisons from the intestines and kidneys, would improve the appetite, would supply necessary minerals, vitamins, and many other health giving foods, would improve the user's health, would settle the nerves and regulate the kidneys, and would prevent a feeling of tiredness in the morning and enable the user to sleep soundly at night; that it would be efficacious in the treatment of mucous trouble and bowel trouble and would enable the user to gain weight; that it would be efficacious in the treatment of constipation, tense nerve condition,

asthma, and gas conditions, and would enable the user to breathe easier; that it would be efficacious in the treatment of poor circulation and brittle fingernails, would enable the user to feel years younger, would insure a good appetite, heal running sores, and relieve tired feeling, would be efficacious to make hair grow, and would prevent drying of the skin, stop itching of the skin, and eliminate weak spells. The drug was not a tonic, and it would not be efficacious for the purposes represented and suggested.

DISPOSITION: January 19, 1948. A plea of nolo contendere having been entered, the court imposed a fine of \$100, plus costs.

3547. Misbranding of StafTabs calcium and phosphorus tablets. U. S. v. 37 Bottles, etc. (F. D. C. No. 26103. Sample No. 14180-K.)

LABEL FILED: December 16, 1948, Northern District of Illinois.

ALLEGED SHIPMENT: The drug was shipped on or about October 4, 1948, by Modern Products, Inc., from Milwaukee, Wis. A number of circulars were shipped on or about July 14, 1948, by a bindery in Waltham, Mass., on instructions from Modern Products, Inc.

PRODUCT: 37 bottles of *StafTabs calcium and phosphorus tablets* at Chicago, Ill., together with 29 circulars entitled "Can Minerals Prevent Premature Aging."

LABEL, IN PART: (Bottle) "StafTabs Calcium and Phosphorus with Vitamin D Each tablet contains 188 milligrams Calcium, 95 milligrams Phosphorus, 100 U. S. P. Units Vitamin D, 2½ mgs. Iron, 0.025 mgs. Iodine Ingredients: Tricalcium Phosphate, Iodized Casein (Iodine derivative of an organic compound), Iron Peptonate, Vitamin D Concentrate from fish liver oil, Flavoring."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements in the circular were false and misleading. The statements represented and suggested that the drug would prevent premature aging, would give one health and zest for life, would keep the blood and tissue fluid from becoming too acid or too alkaline, would influence the secretion of the glands, would influence the sending of messages through the nervous system, would enable one to attain maximum vigor, would insure against poorly formed, soft, and porous bones and teeth, would prevent children from becoming stunted, would prevent adults from being high-strung, quick-tempered, grouchy, and irritable, and feeling tense and uneasy, would assure calmness and stability, conserving mental and physical nerves, would prevent insomnia and brooding during the night over the probable fatigue during the coming day, would increase efficiency, peace, and happiness in the family, would prevent abdominal cramps, extreme nervousness, mental depression, and headaches during menstruation, or would cause these symptoms to disappear, would prevent irritability, insomnia, and loss of teeth during change of life, would enable one to retain the good characteristics of youth through a longer stretch of adult life before signs of old age appear, would prevent nervousness, tiredness, suffering from insomnia, and resorting to artificial teeth, would promote normal heart reaction, nerve conduction, energy exchange in muscle contraction, and glandular functioning, would prevent a decrease of stamina, endurance, and general vitality, would maintain mental and physical efficiency and alertness, would prevent or remedy cases in which people "just don't feel too well," would effect powerfully the physical and mental development, and would give the body a normal verve and urge for work and play. The drug would not fulfill the promises of benefit stated and implied in the labeling.